

EXHIBIT

3

TERRY PEMBERTON

July 03, 2023

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JUSTIN GUY, individually and
on behalf of those similarly
situated,

Plaintiff,

vs.

Case No. 20-cv-12734-MAG-EAS

Hon. Mark A. Goldsmith

ABSOPURE WATER COMPANY, LLC,
a domestic limited liability
company,

Defendant.

The Remote Deposition of TERRY PEMBERTON,
Commencing at 2:01 p.m.,
Monday, July 3, 2023,
Before Helen F. Benhart, CSR-2614,
Appearing remotely from Wayne County, Michigan.

July 03, 2023

1 REMOTE APPEARANCES:

2
3 ANDREW R. FRISCH

4 Morgan & Morgan, P.A.

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6 Suite 4000

7 Plantation, Florida 33324

8 (954) 967-5377

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10 Appearing on behalf of the Plaintiff.

11
12 MICHAEL O. CUMMINGS

13 Cummings, McClorey, Davis & Acho, P.L.C.

14 1185 Avenue of the Americas

15 Third Floor

16 New York, New York 10036

17 (212) 547-8810

18 mcummings@cnda-law.com

19 Appearing on behalf of the Defendant.

TERRY PEMBERTON

July 03, 2023

1 Remote Proceedings

2 Monday, July 3, 2023

3 2:01 p.m.

4 THE REPORTER: The attorneys participating
5 in this deposition acknowledge that I am not
6 physically present in the deposition room. They
7 further acknowledge that in lieu of an oath
8 administered in person, the witness will verbally
9 declare his testimony in this matter is under penalty
10 of perjury. The parties and their counsel consent to
11 this arrangement and waive any objections to this
12 manner of reporting. Please indicate your agreement
13 by stating your name and your agreement on the record.

14 MR. FRISCH: Andrew Frisch for the
15 plaintiff and I agree.

16 MR. CUMMINGS: Michael Cummings for
17 Defendant. Yes, I agree.

18 TERRY PEMBERTON,
19 Was thereupon called as a witness herein, and after
20 having been first duly sworn to testify to the truth,
21 the whole truth and nothing but the truth, was
22 examined and testified as follows:

23 EXAMINATION

24 BY MR. CUMMINGS:

25 Q. Good afternoon, Mr. Pemberton. You're having your

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1 **A. Yes, it was.**

2 Q. So please give me a brief description of how things,
3 you know, went in your route including how long it
4 took you.

5 **A. For my route, depending upon which one it was --**

6 MR. FRISCH: I'm going to object. It calls
7 for a narrative and it's a compound question, but you
8 can answer if you understand.

9 **THE WITNESS: So depending on which route**
10 **it was, it could take -- it would usually take just**
11 **around 12 hours because that's -- I'd usually start**
12 **around six and end around six as well.**

13 BY MR. CUMMINGS:

14 Q. I see. How long did -- you said depending on the
15 route. Did you drive a number of different routes up
16 north?

17 **A. I drove -- I would usually have -- they were usually**
18 **rather similar, but there was three distinct routes.**

19 Q. How often did you drive each of these three different
20 routes?

21 **A. Every week.**

22 Q. So you drove three times? You made three routes every
23 week?

24 **A. Yes.**

25 Q. Okay. And what were the -- maybe for each route

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1 maybe -- how did you refer to each route?

2 **A. Mondays it was Saint Helen and Houghton Lake and back.**

3 **Wednesday -- Tuesday, Wednesday Gaylord and Alpena,**

4 **Thursday, Friday Petoskey and Cheboygan.**

5 Q. You said the Monday route. Was that an overnight
6 route?

7 **A. Monday night was not overnight.**

8 Q. So how long did it take you from the time you left on
9 your route to the time you got back to the facility?

10 **A. On Monday?**

11 Q. Yes, Monday.

12 **A. Monday I'd usually leave around six or -- I'd leave**
13 **the facility around 6:30 and then I'd probably get**
14 **back about four or five, around that time.**

15 Q. I see. Okay. And for the Tuesday, Wednesday route,
16 how long did it typically take you to get to your
17 first stop?

18 **A. No less than around three hours.**

19 Q. I see. After you got to your first stop, how long
20 after that would it take you to complete the route for
21 the day or complete what you would be driving for that
22 day?

23 **A. Around eight hours from the first stop to when -- the**
24 **stop at the hotel, about eight hours.**

25 Q. Were you able to make all the stops for that route on

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1 Q. Thursday, Friday, excuse me. So for the Thursday,
2 Friday route, how long did it take you to reach your
3 first stop?

4 A. **Maximum four hours. Depends on which way they**
5 **dispatched me, which direction they did.**

6 Q. Was it further away than the Tuesday, Wednesday?

7 A. **Usually, yes.**

8 Q. Okay. And for the Thursday, Friday route, were you
9 able to complete all of the stops on the first day?

10 A. **No, almost never.**

11 Q. Okay. And from the -- I guess from time -- to make it
12 simpler, from the time you left the Plymouth facility,
13 the time you made it to your hotel, how long would
14 that typically be for the -- this third route?

15 A. **It would usually be around 11 or 12 hours.**

16 Q. And how much time on the following day from the time
17 you left your hotel to the time you made it back to
18 Plymouth, how much would that be?

19 A. **Six or seven hours.**

20 Q. Okay.

21 A. **Minimum.**

22 Q. For this third route, how many stops did you make
23 total both days?

24 A. **I do not recall.**

25 Q. Do you have any recollection for the second route, the